

REMARKS

The present amendment is in response to the Official Action dated July 21, 2010, where the Examiner continues to reject claims 1-24. More specifically, the Examiner has rejected claims 1-4, 6, 12-17, 22 and 24, under 35 USC §103(a) as being unpatentable over Chaskar, US Patent Application Publication No. 2004/0224702, in view of newly cited Tendler US Patent Application Publication No. 2003/0109244, and further in view of newly cited Horne, US Patent Application Publication No. 2003/0064719; and rejected claims 5, 7-11, 18-21 and 23, under 35 USC §103(a) as being unpatentable over Chaskar, '702, Tendler, '244, and Horne, '719, and further in view of Chan et al., US Patent Application Publication No. 2004/0203638.

However in reviewing the newly relied upon combination of references in light of the claims as presently pending, the references being currently relied upon by the Examiner fail to make known or obvious each and every feature of the claims. Minimally, the combination of references fail to make known or obvious a direct communication via a second communication connection, via a peer-to-peer type communication between a user communication device and a communication device of the service provider, in a context that is consistent with the other features of the claims or the other relied upon references. For this particular feature, the Examiner relied upon Horne, '719, but when the reference is viewed in its complete context it is clear that the reference fails to make known or obvious the features attributed as being taught or suggested by the teachings of the reference, either alone or in combination with the teachings of the other references.

More specifically, the Examiner attempts to associate the handset diagnostic data bridge 350 with the communication device of the service provider and the subscriber equipment 310 with the user communication device, but when viewed in its entirety it becomes clear that both items are representative of a user communication device, and neither item can be fairly characterized as a communication device of the service provider. Furthermore it is the handset diagnostic data bridge 350, according to paragraph [0016] which is used to establish a connection with technical support personnel. Furthermore, it is the handset diagnostic data bridge 350, in the possession of the user, which is used to access the subscriber equipment via a wireless communication connection prior to any field service technician being sent to provide service at the location of the subscriber equipment. In essence, the handset diagnostic data bridge 350 operates as an extension of the subscriber equipment to enable access via a wireless

communication connection that would presumably be unaffected by any difficulties associated with the network path 320 to the network operator's outside plant associated with the subscriber equipment 310.

Correspondingly, because the handset diagnostic data bridge 350 can not be fairly equated to a communication device of the service provider, the relied upon teachings of Horne, '719, cannot be said to make known or obvious "establishing a second communication connection, the second communication connection being a direct peer-to-peer communication connection between the user communication device and a communication device of the service provider" (claim 1); "wherein, the processor is operable responsive to an input at the user interface to cause the transceiver to communicate ..., and to communicate service transaction data directly with the service provider device, which is dispatched to a location of the user responsive to the service request and the location information, via the second communication connection, which is a direct peer-to-peer communication connection between the user communication device and the service provider device, upon rendering of the requested service" (claim 16); and/or "means for directly communicating service transaction data via a direct peer-to-peer communication connection with a communication device of a service provider dispatched to a location of the user responsive to the service request and the location information thereby completing a service transaction upon rendering of the service by the service provider" (claim 24). As such the relied upon combination of references cannot be said to make known or obvious each and every feature of any of the independent claim, or any of the claims which depend therefrom.

In other words, to the extent that claims 2-12 and 14-23 depend upon, either directly or indirectly, independent claims 1 and 13, the dependent claims would similarly be allowable for the same reasons, as the further reference Chan et al., '638, fails to account for any of the above noted deficiencies.

In view of the present response, the applicant would respectfully request that the Examiner reexamine and similarly reconsider the claims. In absence of a properly presented rejection, allowance of the application is respectfully requested.

Respectfully submitted,

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